THE HON'BLE SRI JUSTICE N.V. RAMANA

Review W.P.M.P. No. 3672 of 2006

in

W.P. No. 26849 of 1997

Order:

This Review W.P.M.P is filed seeking to review the order, dated 01.02.2006 passed in W.P. No. 26849 of 1997 stating that on 01.02.2006, when the writ petition was taken up for final hearing, counsel for the petitioner was not present as he had gone to New Delhi, and based on the representation made by the learned Standing Counsel for the respondent-Corporation, who was present, the writ petition was dismissed granting liberty to the petitioner to approach the Labour Court for redressal of his grievances.

Heard the learned counsel for the review petitioner and the learned Standing Counsel for APSRTC.

Learned counsel for the review petitioner submits that the petitioner was appointed as a Watchman in respondent-Corporation on 01.09.1993 and when the respondent-Corporation orally terminated his services on 04.10.1997 i.e., after putting 240 days of service, the petitioner filed the writ petition, and by virtue of the interim orders dated 17.10.1997 passed in W.P.M.P. No. 31327 of 1997 pending disposal of the writ petition, the petitioner has been continuing in service. He submits that in number of judgments this Court as well as the Supreme Court held that the services of the employees, who have been working since long time should be regularized. He further submits that in similar circumstances this Court, in W.P. No. 12694 of 1998, directed the respondents to regularize the services of the petitioners therein and that the same was confirmed by a Division Bench of this Court in Writ Appeal
No. 499 of 2003 filed by the respondent-Corporation. He further submits that the Managing Director of APSRTC issued a circular on 18.02.1993 stating that those who have completed 240 days of service as a casual or contract labour may be

absorbed in APSRTC, and since the petitioner had put in 240 days of service prior to his services being terminated, the petitioner wants to approach respondent No.2-Regional Manager instead of Labour Court for consideration of his case in the light of the said circular dated 18.02.2003.

On the other hand, learned Standing Counsel for APSRTC submitted that the aforesaid judgments are not applicable to the present case. However, he expressed no objection for granting liberty to the petitioner to approach respondent No.2 instead of Labour Court as directed by this Court on 01.02.2006 in W.P. No. 26849 of 1997 for consideration of his case in the light of circular dated 18.02.1993.

Having regard to the facts and circumstances of the case and in view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the review petition with the following observation.

The review petitioner is at liberty to approach respondent No.2-Regional Manager instead of Labour Court for consideration of his case in the light of the circular dated 18.02.1993 issued by the Managing Director of APSRTC or in the light of any circulars issued subsequent thereto.

With the above observation, the review W.P.M.P. is disposed of. No costs.

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N.V. RAMANA, J.

Date: 22.02.2006

Nsr/Ksr